

SENATE BILL 28

By Powers

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 39; Title 54 and Title 66, relative to the regulation of certain products by governmental entities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1551(e), is amended by deleting the subsection and substituting the following:

(e)

(1) Notwithstanding subsection (a) or any other provision of this title, a municipality, a county, or a county having a metropolitan form of government is authorized by local ordinance or resolution, as applicable, to prohibit the use of tobacco products or vapor products, or both, on the grounds of a public park, public playground, public greenway, or any public property that is accessible to use by youth as long as the public park, public playground, public greenway, or public property is owned or controlled by the respective municipality or county.

(2) Notwithstanding subdivision (e)(1), a prohibition enacted pursuant to this subsection (e) does not apply to buildings, sidewalks, or roads.

(3) As used in this subsection (e):

(A)

(i) "Greenway" means:

(a) An open-space area following a natural or man-made linear feature designed to be used for recreation, transportation, and conservation, and to link services and facilities; or

(b) A paved, gravel-covered, woodchip covered, or wood-covered path that connects one greenway entrance with another greenway entrance;

(ii) If a greenway traverses a park that is owned or operated by a county, municipality, or instrumentality thereof, the greenway is considered a portion of that park unless designated otherwise by the local legislative body;

(B) "Playground" means an indoor or outdoor facility that is intended for recreation of children;

(C) "Tobacco product" means any product that contains tobacco and is intended for human use; and

(D) "Youth" means persons under twenty-one (21) years of age.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.